

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jerry E. Logan,

Plaintiff,

v.

Case No. 2:16-cv-37

Vanessa Sawyer,

Defendant.

ORDER

Plaintiff, an Ohio state inmate incarcerated at the Noble Correctional Institution ("NCI"), brings a civil rights action under 42 U.S.C. §1983 against Health Care Administrator Vanessa Sawyer. Plaintiff seeks monetary damages in connection with a dental surgical procedure on an impacted tooth, alleging that he was never informed of the side effects. On January 19, 2016, the magistrate judge filed a report and recommendation on the initial screen of plaintiff's complaint pursuant to 28 U.S.C. §1915A, which requires the court, "in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity," to dismiss a complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. §1915A(a)-(b)(1). The magistrate judge concluded that plaintiff's complaint fails to state a claim for which relief could be granted and that plaintiff's claim is not cognizable under §1983. See Doc. 4, pp. 2-4. The magistrate judge recommended that the action be dismissed.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days "will result in a waiver of the right to de

novo review by the District Judge and waiver of the right to appeal the judgment of the District Court." Doc. 2, p. 7. The time period for filing objections to the report and recommendation has expired, and no objections have been filed.

The court has reviewed the report and recommendation, and agrees with the recommendation of the magistrate judge. The report and recommendation (Doc. 2) is adopted. This action is hereby dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) because plaintiff's complaint fails to state a claim for which relief may be granted, and because his claims are not cognizable under §1983. The clerk shall enter judgement dismissing this case.

Date: February 18, 2016

s/James L. Graham
James L. Graham
United States District Judge